

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DISTRICT

RIVERPORT INSURANCE COMPANY,)
v. Plaintiff,)
Case No. 1:20-cv-02679
AREA #1 OUTDOOR CLUB, an Illinois)
non-profit corporation, and SHIRLEY COLE,)
individually and as Special Administrator of)
the Estate of Jerry A. Cole, deceased,)
Defendants.)

**PLAINTIFF RIVERPORT INSURANCE COMPANY'S MOTION
PURSUANT TO FED. R. CIV. P. 41(a)(2) FOR DISMISSAL**

NOW COMES Plaintiff Riverport Insurance Company, by and through its attorneys Terry A. Fox and Christopher L. Galinari, and moves this Honorable Court for an order dismissing this matter with prejudice based on the following reasons:

1. This dispute involves an insurance policy and claim by estate of an officer of Defendant Area #1 who suffered a tragic accident. That officer and others were excluded by endorsement from the Workers Compensation/Employers Liability Policy issued by Riverport, after each officer submitted their election to be excluded from coverage.

2. The Defendant Area #1, a party who has not yet appeared, initiated discussions with Plaintiff that have culminated with the attached stipulation withdrawing its tender of the claim for coverage to Plaintiff. Based on that stipulation, no issues remain in dispute between Defendant Area #1 Outdoor Club and Plaintiff.

3. A default judgment was previously entered against Defendant Shirley Cole, the only other party to the suit, and no other issues remain in this case.

WHEREFORE, Plaintiff, in reliance on Area #1's stipulation, prays for dismissal of this action with prejudice, the parties to bear their own costs and expenses.

Respectfully submitted,
RIVERPORT INSURANCE CO.

By: /s/ Terry A. Fox
One of Its Attorneys

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